APPROVED: MEETING NO. 5-85

ATTEST: Nelen Milereghan

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 45-84

December 17, 1984

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, December 17, 1984, at 8:00 p.m.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow; Secretary to City Clerk, Patricia Rager.

Re: City Manager's Report

Mr. Blick reported the following:

1. The Montgomery County Council adopted the Gaithersburg Vicinity Master Plan today after a year of discussion on the Plan. Municipalities prevailed in getting the County to adopt a "staging concept". Mr. Blick explained the three stages and noted that the third stage, which is 6 - 10 years away, involves the Thomas Farm and the Travihil Farm. Before these two pieces of property are developed the County must determine if the existing roadway can handle the additional burden from development of these two parcels. He said the cities of Gaithersburg and Rockville should agree to adopt a staging program for Rt. 28.

- 2. Burt Hall is the new Superintendent of Recreation for the City of Rockville. He currently is the Swim Center Supervisor.
- 3. Under New Business a letter will be handed out addressed to the County Executive, from the Montgomery County Maryland Municipal League's representative on cable television. The letter addresses the fact that the Cable Agreement is not being followed, neither the spirit nor the letter.

Mayor Hovsepian noted that the Thomas Farm would be on the City's water and sewer system. Mr. Blick said yes it would and this was implemented by Mike Davis and Mayor Freeland and followed up by Mayor Hovsepian. He noted that the City did as well as could be expected. Councilman Abrams asked if the footnote is still in the staging for the Thomas Farms. Mr. Blick said it is.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. HUD, re CDBG audit

Councilman Hartogensis noted that in the letter, HUD asks for a response within 15 days. He asked if the letter had been responded since the 15 days have passed. Mr. Blick noted that this letter came out of the Clerk's office. Mayor Hovsepian hoped that the City would not lose any money. Mr. Blick assured her the City would not.

2. Carol Duvall, re complaint

Mayor Hovsepian asked if there had been any follow up on the patching of the street and sidewalk. Mr. Blick said he will follow up on this.

- 3. MCPS, re Master Plan Update
- 4. Dr. Fitt, MCPS, re Master Plan Update
- 5. T.A. Ricketts, re complaint
- 6. G. Alan Foster, re sewer backup

Re: Information Items

The Mayor and Council noted the following items of information:

- 1. Copy of letter to Potomac Springs Association, re Furman landscaping Councilman Abrams noted his appreciation to the City Manager for his effort on this problem. He said the neighborhood had the opportunity to come in and review the plan today. He is pleased by the action taken by the City and thanked Mr. Blick for his work.
- 2. Status report on Rockville Municipal Cable System
- 3. Response to citizen's letter
- 4. Senior Center Newsletter

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 40-84, November 19, 1984, were approved as amended.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Dick Pavlin, Executive Director of the Treatment Center, 1000 Twinbrook Parkway. Mr. Pavlin urged the Council to reconsider implementing a permit parking district on Fletcher Place. He does not feel this is the solution and will not solve the basic problem which seems to be the school buses. He read a recommendation from the City Manager in which it was suggested that permit parking not be instituted at this time. He asked that the Mayor and Council follow the City Manager's recommendation. He noted the Board of Appeals will be making decisions on the Treatment Center's two pending Special Exceptions in January. He asked that the Council not approve a system that would be against people who need the Treatment Center. He asked that the Mayor and Council delay their decision until after the Board of Appeals makes their decision.

Councilman Abrams asked Mr. Pavlin how permit parking will hurt the Center and who will be denied if the Permit Parking District is implemented. He further inquired what is it that Mr. Pavlin is so opposed to. Councilman Abrams noted that if everyone of the 11 people who use the facility at one time were

given an opportunity to park on Fletcher Place, where is the discrimination against them? Mr. Pavlin said those who use the Center on a limited basis such as walk-ins, would be discriminated against. Councilman Duncan asked Mr. Pavlin when the rear parking lot would be changed from employee parking to visitor parking. Mr. Pavlin said when the special exception that is pending is granted them.

2. Mr. Charles Rand, Attorney for Lucille Manko. Mr. Rand addressed the Council and noted that he does not represent the citizens of Fletcher Place, only one citizen, Mrs. Manko. He said there is a severe problem in this area as a result of the Treatment Center. He asked that the Mayor and Council implement a permit parking district and come back in 6 months with a review of the situation. He noted that he did not meet with the residents of Fletcher Place on Sunday night. He said staff parking is more tolerable than running cars waiting for patients. He said the Special Exceptions are separate and apart from the Permit Parking request. He felt it would be totally inappropriate to wait any longer for implementation of the permit parking district. He also noted that the Treatment Center representative did not appear at the Public Hearing.

Councilman Abrams informed Mr. Rand that the Treatment Center representative did appear at the Public Hearing. He said he feels that a permit parking district should be tried on a 6 month basis. He said he never made any suggestion that patients should be kept from using available street parking. He said his proposal is based on the needs of those coming to the Treatment Center. Mr. Rand said it would be preferred to have the staff park on the street and have the patients in the back lot. He suggested the staff receive the permits.

3. William Mark Allen, President of North Farm Citizens Association. Mr. Allen said that his neighborhood has experienced its second very serious burglary in recent months. He asked that his neighborhood be put on the City's

police patrol since they are not on either the County's or the City's patrol. The house that was burglarized was completely cleaned out, including the car-

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Councilman Hartogensis asked how quickly the City police responded. Mr. Allen noted that the City never responded because the 911 call went to the County Police. He noted that the County police have a good idea that the burglars were from Prince Georges County and they think they will be back.

Mayor Hovsepian thanked Mr. Allen for bringing this to their attention.

4. Mike Wolly, 409 Greenpasture Drive. Mr. Wolly said he is here tonight to address the Mayor and Council about Agenda Item No. 5 regarding Planning Area 12. He said the three items up for decision tonight are being prematurely considered by the Council. He said enough information on this has not been forwarded. He reiterated his feelings as stated at an earlier Council meeting and again gave the Council a summary of what has happened and how quickly the item is moving. He suggested that the Mayor and Council require the Planning Commission to present completed documents that are well thought out in order to give the Council and citizens time to review them.

Councilman Abrams thanked Mr. Wolly for taking the time to educate the Mayor and Council. It has helped them to understand what has been happening. Councilman Abrams said he would like to address a point Mr. Wolly made about the developer who appeared at the Public Hearing on Area 3 who submitted a proposal for residential development on the Westmont tract. Councilman Abrams said he would like to see the track record for CIH Ventures. He has never heard of them and asked Mr. Wolly if they merit the trust Mr. Wolly has put into them and if he investigated them. Mr. Wolly said that would be up to the Planning Commission and staff to inquire into the background of an individual before making any kind of recommendation to the Mayor and Council. Councilman Abrams

said he disagrees and made mention of a similar situation that happened in the Town Center.

- 5. Susan Gwen, Representative and Vice Chairman on Montgomery County's Handicapped Individual Commission. Ms. Gwen addressed the Mayor and Council concerning the Permit Parking District proposed for Fletcher Place and said she feels there is an educational need here. She said there are 1700 disabled people at the Treatment center and that certain reasonable accommodations should be made available to them. Permit Parking on Fletcher Place would be a setback and reminded the Council that many of them suffer from lack of mobility.
- 6. Peter Longo, Mercer Lane. Mr. Longo said he is a patient at the Treatment Center. He has great difficulty getting to the Center. He can drive and that is it.

Councilman Abrams asked Mr. Longo if he attends the Center on a regular basis and Mr. Longo said he does.

- 7. Regina Murphy, Fletcher Place. Mrs. Murphy questioned the numbers Mr. Pavlin used earlier in the evening.
- 8. Bev Whitlock, Associate Director of Treatment Center. Mrs. Whitlock told the Mayor and Council of her personal association with the Center through her daughter, Barbara, who had been seriously injured in a car accident. She explained after a 3 1/2 month stay in the hospital, her family had the option of putting Barbara in a nursing home or bringing her home. They decided to bring her home and made arrangements with the Center to begin treatments upon her arrival home. The Treatment Center was the only place able to offer assistance to them. She explained that Barbara had very poor visual and perceptual skills. She had no memory and required constant supervision. She explained how they could not leave her alone and there was no way they could have taken her to the Treatment Center and left Barbara alone while she went to get a parking permit pass for her car. She had flexible appointments. She said Barbara now has

completed courses at Montgomery College and may be able to hold a job. She will not have to go to a nursing home. She asked the Mayor and Council to please not set back the accessibility for the handicapped by implementing Permit Parking.

Councilman Abrams asked Mrs. Whitlock if she had had a pass for unlimited permit parking would it have helped her. Mrs. Whitlock said not everyone needs a flexible permit. He asked her how many would need one. Mrs. Whitlock said she did not know and would have to count.

9. Robert Minkoff, North Farm Subdivision. Mr. Minkoff addressed the Council and said he has heard Mr. Abrams mention the possibility of redistricting the children in North Farm. He said the parents of North Farm are happy with the current districting procedures. He said these are Montgomery County schools, not Rockville schools. He said it would do a lot for the citizens if the Mayor and Council were to have a written policy on the City's policy for Rockville schools.

Councilman Abrams said he has asked for a review of the City's school policy and hopes it will be placed on a future agenda. Mr. Minkoff said he thought it was a fair request for the citizens to know what the policy is. Councilman Duncan said the current policy recommends no boundary changes in Rockville. Councilman Tyner said there is a task force established on education and there has been a policy for the past 2 years, which is the current policy, of no boundary changes, whether they feed the Richard Montgomery Cluster or not.

10. Elizabeth Weinstein, Ashley Road. Mrs. Weinstein said she is the mother of 3, all of whom were attending, at one time or another, the Treatment Center for speech problems. She explained that they did not attend school there and she could not use the handicap parking spaces and did not go on a regular schedule. The sessions were three days a week for half an hour at different times for each of the children which meant walking back and forth to the car.

She felt that permit parking would create a problem that does not exist. People who use the center have handicaps. She felt it was unfair to those who use the center on a walk in basis. She mentioned that she could not get help for her children through the County because they were preschool age.

Councilman Duncan asked Mrs. Weinstein where she parked. She said on Fletcher Place. He asked her if it would be easier if she were able to park on the back lot. She said it would be. Councilman Abrams asked Mrs. Weinstein if she attended on a regular basis. She said sometimes and sometimes not because with three kids an illness or the weather could have kept her home.

11. Carroll Biser. Mr. Biser addressed the Council concerning the
Treatment Center. He noted that there is no finer facility that exists in the
City. He said he cannot understand the request for a permit parking district
and suggested to the Mayor and Council that they should not play politics, put
their foot down to the Board of Appeals and make sure that the Board of Appeals
grants the special exception pending. He thinks this will solve all the
problems and will make everyone happy. He said everyone has off street parking
and the aprons are deep enough to park two cars.

Mayor Hovsepian explained that the Mayor and Council have no authority over the Board of Appeals. Mr. Biser asked that some influence be exerted since the citizens elect the Mayor and Council and the Council has the authority over those appointed to boards and commissions.

12. Rachel Wratten, 401 Twinbrook Parkway. She explained that she was a crossing guard at that corner and goes by the intersection everyday and she feels the problem has been alleviated. She explained how her son was in a serious accident with head injuries four years ago and also suffered a stroke. He went to therapy at the center. Without the Center he would not be in the work force as he is today. She explained there there were three centers he

could have gone to for therapy but this one was the closest and his recovery was because he had the support of his family who were close by.

Councilman Duncan asked Mrs. Wratten if it would have been easier to park on the lot. Mrs. Wratten said it would and noted that she would sometimes park on the road and other times on the lot. She said she sees the parking situation there everyday and said that the employees park at the church and walk across the street. People are working to help alleviate the problem.

13. Evelyn Premo, 717 Fletcher Place. Mrs. Premo asked where the lady with the handicapped daughter parked because there were 51 staff people parking on the street and that there was no place for her and her husband to park. She then showed the Council pictures taken of illegally parked cars blocking her driveway, cars parked facing the wrong way, buses parked in front of her house and her car that was hit by someone from the Treatment Center.

Councilman Hartogensis asked when these pictures were taken. Mrs. Premo said from last October and noted that the congestion has only gotten worse.

14. Fran Beedie. Mrs. Beedie addressed the Council concerning Permit
Parking for Fletcher Place. She noted that she had speech impaired children
that used the center and expressed her concern about the valuable service that
could be lost. She used to drop her preschool children off but now she
understands that buses now drop them off and would think that would alleviate
the problem. She said she never saw the problem that is being addressed by the
two people tonight. She added that the patients of the Treatment Center do not
need any more stress.

Councilman Duncan asked if parking in the back lot would have helped her. She said in her case she only dropped off her child which took 5 minutes. Councilman Abrams explained that she would be issued a permit that would allow her to park five minutes before the session and five minutes afterwards. Mrs. Beddie asked who would administer this. Councilman Abrams explained that he

needs cooperation in getting all the information to see who needs to be served. He does not want to make it difficult for the patients at the Center.

- 15. Mrs. Manko. Mrs. Manko said she would like to bring to everyone's attention that there is more than one institution than the Treatment Center contributing to the parking problem. There is the Armory with over two hundred soldiers, the Forest Apartments, Rockville High School and also the elementary school. She noted that Broome Jr. High School is down the street with three special exceptions granted already in there. She said the residents of Fletcher Place have asked for permit parking and deserve the right to park in front of their homes. She said she does have a driveway but it holds only one car and questioned how many people have only one car. She thinks the Treatment Center is scaring its patients and added that they have never objected to the center, just the preschool facility. It is too much and should be handled through the Special Exception process. She said in meeting with Mr. Pavlin, the biggest concern has always been where the staff will park, not the patients. There is a parking problem. She felt the residents deserve relief. The residents were good enough to go ahead with the temporary trial basis to see if it would help alleviate the problem and noted that the permit parking would be only for six months.
- 16. Mary Morrella. Mrs. Morrella addressed the Council and said she has lived in the immediate neighborhood and has been a resident for the past 29 years. She is a special education teacher at the Treatment Center. She has parked at the Armory since September and sees the importance of parking on Fletcher for patients.
- 17. Tony Kalica, member of the Neighborhood Planning Area Group #3. Mr. Kalica addressed the Council and noted that the public hearing on the neighborhood plan was held last Wednesday. It has taken 2 1/2 years to get the

Plan to the Mayor and Council. He said he could not agree more with Mr. Wolly on Planning Area 12. He said he would like to comment on Agenda Item No. 8 — Decision of Location/Design of Ritchie Parkway. He said he was surprised to find that the Council will be making a decision tonight on the design part. He had understood it to be that the two would be done separately. He said the residents of Rockville have suffered by combining these two processes. The only decision that should be made is on location since the citizens have not seen any design. He recommended to the Mayor and Council that they go back to the former process of having these two elements separate.

Councilman Abrams asked Mr. Kalica if he had received his comments on Richard Montgomery. Mr. Kalica said he had not. Councilman Abrams explained that Mr. Tierney of the Advisory Commission on Public Education, has not released their report so Councilman Abrams has sent out his thoughts and would like Mr. Kalica to have them. Councilman Abrams asked if Mr. Kalica is suggesting a change in the school boundaries. Mr. Kalica said he did not comment on redoing the boundaries and added they should stay the way they are.

Mayor Hovsepian asked Councilman Abrams to please not insert a new item when a citizen is talking about something else.

Mr. Kalica, referring back to the access on Ritchie Parkway, asked if the Council would prefer his comments now and urged the Council to set up a hearing date to discuss the design issue since it affects a lot of people.

18. Carol Cohen, President of the Twinbrook Citizens Association. Mrs. Cohen said in June the TCA acted as a mediator with the residents of Fletcher Place and the Treatment Center. The synopsis that the group came up with was to have sufficient off-street parking for staff and consideration of turning onsite parking for patients. She noted that the Treatment Center did find spaces for its staff at the Armory, but she noted there is still a tremendous overburdening by all the institutions. She asked the City to formally

reconsider this subject. She then read a motion adopted by TCA concerning this issue.

- 19. Jeryl Gegan, Chairman, Rockville Housing Authority. Mr. Gegan brought to the Council's attention an article that appeared in the legal section of last week's newspaper about a public hearing to be held by HOC on the intention to use Assisted Housing in the Moore Apartments. He said it was his feeling that the City of Rockville had authority over the Rockville Housing Authority.
- 20. Al Premo, 717 Fletcher Place. Mr. Premo introduced Mrs. Warden, a new resident on his block from Canada, and said she would like permit parking. He said permit parking is more desirable for public safety and that Councilman Abrams has addressed the problem which will put a handle on the number of people visiting the Center so as to make it easier for them and the residents.
- 21. Lucy Coker. Mrs. Coker said she has been a resident for over 30 years, 24 of those years were spent one block from the Treatment Center. She said parking on her street is just as bad. She asked Councilman Abrams how he plans to give them all permits but won't let them park on Fletcher.

Councilman Abrams said that was not true. His system would permit them to park on the street.

Mrs. Coker asked Councilman Duncan why he questions everyone on parking on the back lot.

Councilman Duncan explained that he had asked this question long ago and what he is hearing is that the citizens want the employees to park on the street and the patients to park in the back lot. Councilman Abrams said he would like to give the people who live there the absolute right to park their cars. And, he wants the patients to be able to park theirs also. He suggested getting rid of the armory users, the school users and the others. He said he wants only to have two preferred users and they should be able to work together. Mrs.

Coker said she would like to see how this would work. Councilman Abrams said he would like to give of his time to sit down and work out a system.

22. Dick Pavlin addressed the Council again and explained that his staff has parked off Fletcher Street as requested by Councilman Tyner. He said there seems to be some confusion on the number of patients and stated again that only 11 come to the Treatment Center at one time.

Mayor Hovsepian said unless there is any new information to come forward she would like to continue with business.

- 23. Conrad Jones, Board of Directors of the Treatment Center. He said that to make a decision tonight would be ludicrous. To adopt permit parking at this point would not be in the best interest of anyone. He said the Center has made offers to eliminate traffic congestion and to make a decision on the conditions as they exist today would be a big mistake.
- 24. Regina McAndrews, West Montgomery Avenue. Mrs. McAndrews told the Council of an incident that occurred in her neighborhood a while ago. She explained that a notice from the City's Licenses and Inspections Department was issued to a property owner on her street to prune trees and bushes on the property. The man did so and was then sent a notice by the City's Historic District Commission that he was in violation of their ordinance. She asked the Council to delineate the line of authority. She also asked the HDC to address this problem and has not heard from them.

Mayor Hovsepian asked for more information on this. Councilman Abrams said this is a good point in that people focus on the job they do and do not have the knowledge of other people's jobs. He suggested looking towards some kind of tickler form when there is the possibility of jurisdiction by another department.

25. Steve Orens, Attorney for the Treatment Centers. Mr. Orens said he has heard a number of different views expressed this evening. He has had the

opportunity to look at the minutes of the Public Hearing and the Council meeting where permit parking was discussed. He asked the Mayor and Council to defer action tonight and schedule another public hearing after the Board of Appeals has made its decision. He said the record before the Council is not reflective of the current circumstances.

- 26. Charles Rand. Mr. Rand said this was battled to death in July, last week and tonight. He said there has been enough public hearing time to accommodate the people involved and asked the Council to implement the permit parking district.
- 27. Delores Kissel, 908 Twinbrook Parkway. Mrs. Kissel said she lives near the Center and walks to it; she does not drive to it. She has lived across from Meadow Hall school which is much larger that the Treatment Center. She sees no reason for permit parking.
- 28. Steven Fisher, President of the Rockville Civic Federation. Mr. Fisher wished the Mayor and Council a happy Holiday Season and a good New Year.

There being no other citizen wishing to be heard, the Mayor closed the Citizen's Forum portion of the meeting.

Councilman Tyner moved, duly seconded, and unanimously passed, that Agenda Item No. 7, the resolution to create a parking district on Fletcher Place, be brought forward at this time. Councilman Abrams asked for a two minute break.

(At this time the Council took a 5 minute recess)

Re: Resolution: To create a Parking District on Fletcher Place

Resolution No. 42-84

Councilman Tyner commented that the key decision in this matter will be the Board of Appeal's decision on the pending Special Exception. It is the third leg of the agreement. When the Board acts it will be known if the arrangement

of buses will stay off the street. He said he would like to wait for the Board's decision and does not see a compelling need for permit parking. If a motion is brought forward to adopt the resolution he would not support it. Councilman Abrams said he disagrees with Councilman Tyner. He thinks permit parking should be tried. He said there are two points that have been over-looked: 1) citizens are entitled to achieve quality of life and 2) the problem is not just the citizens and the Treatment Center but a multitude of additional uses. There are two parties that spoke tonight who want preferential treatment. Under the proposed permit parking resolution, both would get it. Even if the three-stage agreement was worked out he feels the permit parking district is still needed.

Councilman Abrams moved, duly seconded by Councilman Duncan, that the Resolution for permit parking on Fletcher Place be adopted.

Councilman Hartogensis said there seems to be a misconception on how the solution is to be resolved. He said this resolution will see if this problems can be worked out. He said he would vote to approve it. He does not think the Board's decision will make a difference. Councilman Abrams said he would like to have the permits made available to patients at no cost since this is so short a period of time. He would also like to sit down and look at the scheduling and see how many patients come in by car or bus. He said he would be glad to work with the Treatment Center. He would like to make available a reasonable number of permits to accommodate the unexpected visitor. He would ask that the Police monitor this very closely for the next six months. Mayor Hovsepian said that Councilman Tyner made a comment on what happens when and if the Treatment Center should move out and a new person moves in. She would like to get some answers on this since this is what is in the back of the citizen's minds. If they get in before permit parking is implemented do the citizen have to go through this

again? Councilman Abrams asked what the time frame would be for implementing permit parking. Mr. Blick said about 30 days. Councilman Abrams said in that time frame he would like to offer his assistance to go to the Treatment Center, sit down with them and work out a schedule for issuing the permits. He said he welcomes any volunteers to help him. Mr. Lacey explained that the Council would have to instruct the staff to bring this item up for review in six months. This resolution has no time restrictions and another resolution would have to be adopted to delete or amend the district. Mr. Blick asked if the Council is waiving the fee.

Councilman Abrams moved to waive the fee for the first year and review the fee structure after the review. Councilman Tyner said he has a great deal of difficulty in making this kind of arrangement. There would be a real problem in waiving something when standards have been made for other parts of the City. He thinks the Council would be getting into trouble.

Councilman Abrams' motion to waive the fee died for lack of a second.

Councilman Abrams said this would then require the patients and the Treatment Center to pay for permit parking. Councilman Tyner said the resolution talks about passes not stickers. The Council discussed this item further. Councilman Abrams asked the City's refund policy if the permit parking district for Fletcher Place was revoked before the end of five years. Mr. Blick said the City has never revoked a permit parking district and said staff would give the Council a recommendation at that time.

A vote was called on Councilman Abram's motion to adopt the Resolution on permit parking for Fletcher Place.

The motion passed, Councilman Abrams, Duncan and Hartogensis voting aye and Mayor Hovsepian and Councilman Tyner voting nay, the full text of the resolution can be found in Resolution Book No. 8 of the Mayor and Council.

Mayor Hovsepian asked the City Manager what items on the agenda could be deferred to a later time. Mr. Blick said Items 11 - 14 are very short and can be done on a consent basis. Item No. 10 on the Review and Adoption of the new fee schedules for building, electrical, plumbing and mechanical permits and for Temporary Uses permits could be deferred. Mayor Hovsepian asked if the discussion of expansion of the Energy Commission could also be deferred. Mr. Albersheim, Chairman of the Energy Commission, present in the audience said he would come back at another time to discuss this.

Mayor Hovsepian deferred items No. 9 and 20 on the agenda to another time.

Re: Annual Report of Board of Appeals

Patrick Woodward, Chairman of the Board of Appeals addressed the Mayor and Council and reported on the Board's activities for the past year. He said the Board heard 27 Appeal cases - 24 of which were approved, 2 denied and one withdrawn. The Board heard 12 Special Exception Cases - 9 were approved, 2 denied and one dismissed. The Board had one major decision and that was the Special Exception for the Potomac Valley Nursing Home. This application was denied by the Board. There have been several current cases recently heard by the Board that have substantial citizen input. The Board has also reviewed and revised their Rules of Procedures and worked with the City Attorney in analyzing the proposed Ethics Ordinance. He commended the staff that works with the Board - Larry Owens, Sue Richards and Alice Cronin. He commended them on their high degree of professionalism and competence. He said the City is fortunate to have David Podolsky to render his legal expertise. And, he commended each member of the Board - Karen Lechter, Richard Arkin and the newest member Robert Puckett. Each member of the Board addressed the Mayor and Council.

Mayor Hovsepian thanked the Board of Appeal members for coming this evening.

Re: Preservation of Plans for Improvements to F. Scott Fitzgerald

A citizen task force was created to help in defining the objectives for the master plan of F. Scott Fitzgerald Park and to work closely with the consultant Coffin and Coffin, to develop a design that would meet the needs of the citizens and business community.

As a result of the planning task force meetings, the consensus of the group was to have a simplistic gateway design park for F. Scott Fitzgerald Park. The options were also presented by staff to the Cultural Arts Commission, Recreation and Parks Advisory Board, and Planning Commission. An advertised public input meeting was also scheduled during the planning process.

Basically, the plan calls for the following:

- 1. The flagpole remains as the primary feature in the park.
- 2. The park will remain mostly green open space.
- 3. The park will be rimmed by an eight-foot wide sidewalk and accented by a series of 12 low growth flowering trees which will surround the park's perimeter. An 18-inch high stone border will serve as a transition area between the walkway and the mounded green open space around the park. There will be a circular paved area around the base of the flagpole highlighted by bollads and chains. Floral landscaping will surround the paved area around the flagpole and will provide seasonal colors in the park.

The existing overhead electrical wires and poles will be removed and the powerlines placed underground in the new master plan. New street lighting is proposed and the light poles will go around the edge of the park. Final details on lighting and wiring are still in the planning stage. The park plan will also include some form of artwork, a pedestrian walkway through the park, a seating area, and a plaque commemorating "Project Raise the Flag".

The architects estimate that the construction cost for the park master plan as presented will be approximately \$250,000.

Staff recommends that the plan be approved as presented and that the Council authorize the consultant to proceed with the design development phase.

Genie McKay, a member of the citizens task force made the presentation to the Mayor and Council on the task force's findings. She said this plan is the closest to the first set of plans submitted by Coffin & Coffin. It will not be a park with heavy pedestrian usage so the group went with a more simple approach. She explained the the park will be raised so that green can be seen and emphasis will be put on the flag. The consensus of the group was to have plantings in the park so that there is always color. A plaque will be placed by the flag explaining that the flag was donated by the citizens of Rockville and the American Legion. A time capsuel may also be placed by the flag. Councilman Tyner asked what will happen to the plaque that is there now. Mrs. McKay said it will be left there and it will either be moved or worked around.

Mayor Hovsepian thanked Mrs. McKay for her presentation.

On motion of Councilman Duncan, duly seconded and unanimously passed, the plan was approved as recommended by staff and authorization was given to the consultant to proceed with the design development phase.

Re: Planning Area 12
A. Receipt of report from Planning
Commission.
B. Instructions to staff to file comprehensive sectional zoning map amendment.
C. Referral of Text Amendment, T-66-84, to Planning Commission for further review and study.

Mike Davis, Director of Planning, addressed the Mayor and Council concerning the schedule for adopting the Planning Area 12 Master Plan. In order for the Council to complete the Planning Area 12 Master Plan the Council will need to 1) adopt the Master Plan amendments, 2) adopt a zoning text amendment

that establishes a new zoning category to be called "Office Park Development Zone", and 3) adopt a comprehensive sectional zoning map amendment.

He explained that the Mayor and Council need tonight to accept the filing of T-66-84 that establishes a new zone and refer it to the Planning Commission and do the same for the sectional Map Amendment. This will be in keeping with the schedule set by the Mayor and Council in October so that the Mayor and Council can hold a public hearing on all three items on January 14.

Councilman Duncan said all the Council has before them is a memo from the City Manager and the schedule for Planning Area 12. He does not have a report in front of him. Mr. Davis explained the the Planning Commission will complete editing the Master Plan amendment on December 19. The Plan will then be printed on December 20 and mailed out on December 21. The zoning text amendment, if completed by the Commission and reviewed by the Attorney by December 19, will also be mailed out with the proposed Master Plan amendments. Councilman Duncan said he has not seen anything on the Text Amendment. Mr. Davis said it should have come up from his office in the form of a memo. Mayor Hovsepian said the Council has nothing in front of them on this. Councilman Tyner asked the City Manager to see what happened to the Text Amendment. He would like to know if there is a serious breakdown in communication between the departments. The City Manager said the Text Amendment was filed with the City Clerk. Councilman Tyner said the actual text amendment does not tell the Council anything. He his looking for a memo that would explain it. He said he thinks the citizens know what the paper will say since the content is known and therefore has no problem in moving forward with referring the text amendment and the sectional map amendment to the Planning Commission. But, he cannot decide if January 14 is a good date to hold the public hearing on the Amendments to the Master Plan until the Council can see what the Plan says. He said the criteria of this public hearing is on the amendments and the Council cannot hold a hearing on a document that is not complete.

Mayor Hovsepian said she does not see how the Council can go ahead.

Councilman Abrams said he has heard Councilman Tyner say to go forward with the public hearing on January 14 but questioned the advertisement requirements. The City Attorney explained that a public hearing on the Master Plan Amendment is not required by law but the Sectional Map Amendment and the Text Amendment must have public hearings. He said they can all be heard on the same night or separate nights since they are three specific items. It is permissible to set a hearing date and then continue it until another night as long as at the hearing it is stated when and where it will be heard and continued.

Councilman Hartogensis said there is no regularly scheduled meeting until January and he would not like to see this stalled and hopes to hear them at a favorable time. Councilman Duncan suggested the Council go ahead with the public hearing on the Plan for Area 12 for January 14 and wait to schedule the public hearing on the other two items at the January 7 Mayor and Council meeting.

Councilman Abrams asked if the Council followed through on Councilman

Duncan's suggestion and holds separate hearing dates on the Plan and Map and

Text Amendment, what effect would this have on scheduling. The City Attorney

explained that the notices must be advertised twice with the first time being at

least 14 days before the hearing. Councilman Abrams asked if there is a legal

requirement on holding the record open. The City Attorney said no. The Council

further discussed this issue.

Councilman Abrams said he supports Councilman Duncan's proposal assuming that the Planning Commission takes action on Wednesday and the documentation is prepared quickly.

Councilman Tyner moved, duly seconded by Councilman Abrams, that the public hearing on the Area 12 Neighborhood Master Plan be set for January 14 providing that the Plan is distributed to the public no later than December 21.

Mr. Mark Allen, present in the audience speaking from his seat said this is another instance where the information and material was not available. He further noted that this same text amendment was turned down in October. Councilman Abrams said Mr. Allen is not addressing the motion and asked that his comments be addressed at a later date. Mayor Hovsepian said the only thing the Council is agreeing on tonight is to set the hearing date on the Master Plan Amendment provided that the material is mailed by the 21 of December.

Councilman Tyner said the Council has set the hearing date for the Master Plan and has deferred the Text Amendment until January 7, he asked what action was needed for the sectional Map Amendment. Mr. Davis said the staff needs to have some direction from the Council on whether to file it or not. Councilman Abrams said he presumed that that Map Amendment comes after the adoption of the Master Plan and asked if the Council can amend the Map Amendment or does everything hinge on the Neighborhood Master Plan Amendment. The Council discussed this further.

Mayor Hovsepian said she feels pushed. She knows the Planning Commission has worked hard as has the staff. She hopes the staff is able to get the Plan out this week. She agrees with Councilman Duncan to discuss the Text Amendment and Sectional Map Amendment on January 7 and to also make a decision on the public hearing date at that time. Councilman Duncan again reiterated his concern that the Council has only a memo for action on three major documents.

Councilman Hartogensis noted that the Chairman of the Planning Commission is present in the audience and asked her if she had anything to say. Mrs. Barnett told the Council that the Commission met this morning from 7:30 to 12. They have outlined the zone and they now need to go through the last chapter of

the Plan. She said that the Master Plan is in good shape and is being readied to go to the printers. Councilman Abrams asked if there would be any undue burden if the public hearings were held separately. Mrs. Barnett said no but just as long as there is no big time span between them. Councilman Typer said that the Text Amendment just needs to be referred to the Planning Commission for them to put it into final form and he thinks it ought to be referred to them. Councilman Abrams asked if the citizens will be better served if they were asked to consolidate their concerns on these issues. Councilman Duncan said the comments he has been hearing is that the Text Amendment is important and that the citizens would like to see it. Mayor Hovsepian said it is a valid point that this information should go out with the document to be mailed on December 21. She said she would not like to have the public hearing on the same night. She would like to refer it to the Planning Commission so that they can work on it and get it into proper form. This will give the citizens a longer opportunity to review it. Councilman Duncan said he is concerned about passing something on that the Council has not seen. Mr. Vitol, a member of the Planning Commission, addressed the Council and said it would be appropriate to hold the public hearings at different times and also suggested that the decision be held at different times also.

Councilman Abrams asked Councilman Duncan if he would agree to referring the text amendment to the Planning Commission to put in appropriate form so as to get an opportunity to review it on January 7 and then set a public hearing date. Councilman Duncan asked that the Mayor and Council go through the three items separately and vote on each item.

Mayor Hovsepian said she has before her a motion by Councilman Tyner to hold the public hearing on the Master Plan Amendment on Area 12 on January 14

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providing that the information is mailed out by December 21. She then called for a vote on the motion. The motion passed unanimously.

Mr. Allen asked what would happen if the information is not out by December

21. It was the consensus of the Council that a decision would be made on

January 7.

Councilman Duncan moved, duly seconded and unanimously passed, to defer consideration of the Sectional Map Amendment until January 7, 1985, at which time the Mayor and Council will establish a public hearing date, possibly on January 28, 1985.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council indicated that they favored the concept of the Text Amendment and instructed the staff to work on the concept and further develop the OP Zone and to send whatever information that is available on the zone to those interested parties on December 21 along with the Master Plan, and have the Text Amendment brought back before the Council on January 7 for formal referral by the Mayor and Council to the Planning Commission and for further consideration once the Council has had a chance to review the application itself.

Re: Presentation by
J.H.K. of results of
Rockville Pike
Corridor Study

On June 25, 1984, Resolution No. 25-84 was adopted imposing a moratorium on Rockville Pike. The Planning Department was directed to undertake an examination of the public facilities. JHK and Associates was hired to make a traffic study of Rockville Pike and report back to the Mayor and Council on December 17. The written report is not available for tonight's meeting and will be available to the public on December 20. The Rockville Pike Corridor Plan Advisory Commission has received an oral presentation of JHK's preliminary findings but will not be able to critique the study until the text is available.

Thus, the Committee has asked that the moratorium be extended 60 days in order that the staff have adequate time to prepare their recommendations.

Staff recommends that the Mayor and Council:

- l. Authorize public distribution of the JHK report as soon as it is printed;
- 2. Instruct the City Attorney to prepare a resolution that would extend the moratorium from January 22 until April 2; and
- 3. Permit the staff to submit its recommendations in January instead of prior to December 30, 1984.

Mr. Kevin Hooper, a representative from JHK addressed the Mayor and Council and gave an oral presentation on his company's findings. The Mayor and Council thanked Mr. Hooper for coming this evening.

Mr. Cohen, a member of the Rockville Pike Corridor Public Advisory

Committee introduced the rest of the Committee. He asked if he could come back at another time address the Mayor and Council on this subject to fully inform the Council of the Committee's findings. He suggested involving the other surrounding municipalities. He said they need the help of the Mayor and Council to get Rockville Pike aligned. The Committee has no problem with extending the moratorium just as long as a select group can meet to organize and be able to sit down and mandate.

On motion of Councilman Abrams, duly seconded and unanimously passed, the staff was authorized to distribute the JHK report, instructed the City Attorney to prepare the necessary legal documentation that would extend the moratorium from January 22 to April 2, 1985, and permitted the staff to submit its recommendations in January instead of prior to December 30, 1984.

Re: Decision: Location/
Design of Ritchie
Parkway - Seven Locks
Road to Rockville
Pike

Mr. Blick explained the necessity of the Council's decision and how the Public Work's staff has been working closely with the State and other local agencies.

On September 25, 1984, the Mayor and Council conducted a location and design public hearing for the purpose of receiving public comment on the construction of Ritchie Parkway between Seven Locks Road and Rockville Pike. The hearing record was officially closed on October 19, 1984.

The roadway is proposed to be four lanes, divided by a grassy median, with a 120 foot wide right-of-way. Noise mitigation will be constructed on the northwest side adjacent to the residential area opposite Wintergreen Shopping Center, which will act as a visual/sound buffer between the roadway and the residences. The mitigation is required to meet Federal noise standards. In addition, other berming and landscaping are proposed. A bike path system will be provided along Ritchie Parkway on the northwest side which will link with the existing bikeway on Seven Locks Road and continue to Edmonston Drive with connections to the Hungerford/Stoneridge subdivision at various locations.

The Mayor and Council will make several decisions on the Design and Location proposal. The Mayor and Council's decisions will be passed on the the Maryland State Highway Administration for incorporation into the final Environmental report, which will be completed and submitted to the Federal Highway Administration, the agency with ultimate approval authority for Federal funding.

The matters the Mayor and Council must decide are as follows:

- l. The environmental study suggests two alternates: either the "Build" or "No-Build".
- 2. Approval of the "Design and Location" for Ritchie Parkway. This covers the preliminary features presented at the public hearing including alignment, typical roadway sections and environmental features, such as noise barriers and screen planting.
 - 3. Selection of the traffic service option.

4. Shall the staff improve on the Federal requirements in terms of screen planting and noise buffering for residential areas where economically feasible?

Considerable preliminary engineering and environmental assessment work has been undertaken by the staffs of the State Highway Administration and the City of Rockville which included several neighborhood meetings. The staff is convinced that all of the environmental considerations have been adequately addressed in the environmental report. The requirements for noise buffering between the existing residences and the roadway can be provided in an effective manner, adequate to meet Federal standards. Additional buffering considerations will be investigated during the final engineering stage, including a landscaping design.

The staff recommends the following action by the Mayor and Council:

- l. Proceed with the "Build" alternative and proceed immediately with the Engineering design and right-of-way acquisition process to allow construction to begin during the Spring of 1986 and be completed during the Fall of 1987;
 - 2. Approve the Design and Location concepts as presented;
- 3. Adopt Traffic Option 1 as modified relative to the Traffic movements at the intersection of Rockville Pike and Edmonston Drive; and
- 4. Direct the staff to include the final engineering contract, a provision for research and evaluation of cost effective noise/visual mitigation measures for maximum protection of all residential areas, including a heavy screen planting buffer between the roadway and the existing residential development.

Mayor Hovsepian noted that there was a question brought up earlier in the evening about the location/design. Mr. Morningstar explained this is a term used by SHA and is not a term the City uses. Councilman Tyner discussed the impact of Ritchie Parkway with the decision of Area 3 and 12 with the Council. Mr. Morningstar noted that there may have to be adjustments made and a lot of work to be done before the City goes out to bid. Mr. Blick said the Council will be informed throughout the whole process.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Mayor and Council approved the staff's recommendations.

Re: Award of Contract: Bid No. 34-85, Copiers

Bids were opened at 3:00 p.m. on Tuesday, November 27, 1984, for Bid No. 34-85, for the purchase of one 40,000 copy/month (LOT I) plain paper copier and one 20,000 copy/month plain paper copier (LOT II). The Invitation for Bid included references to RICOH Brand Name or Equal and Pitney-Bowes Brand Name or Equal as approved by the City Manager in accordance with the Purchasing Ordinance.

Bids were requested on the basis of Rental with Option to Purchase at six months, nine months, and twelve months. Bids were requested to also include an optional one year maintenance agreement if the City purchased the copiers, the annual cost of supplies for evaluation purposes, the replacement cost of drums, training, and installation of charges for each copier. Award is to be based on the total cost inclusive of maintenance etc. for both copiers.

The following total bids for both copiers were received:

COMPANY: A COPY

		Six Months	Nine Months	<u>Twelve Months</u>
LOT 1:	RICOH 6080	\$21,143,18	\$22,930.99	\$24,718.76
LOT II:	RICOH 5050	\$11,836.76	<u>\$12,713.54</u>	\$13,590.32
TOTAL.		\$32,979.94	\$35,644.53	\$38,309.08
COMPANY:	PITNEY-BOWES			
LOT I:	PITNEY BOWES D460	\$20,306.80	\$22,075.80	\$23,844.80
LOT II:	PITNEY-BOWES M350	\$12,839.00	\$13,845.00	\$14,851.00
TOTAL		\$33,145.80	\$35,920.80	\$38,695.80

A Copy submitted one exception to the specifications which was reviewed and approved by the Graphics Superivsor.

The bid from Pitney-Bowes for the Pitney-Bowes D460 (LOT I) includes the "possible" cost of one year of supplies as computed by the City. It is not clear as to the correct cost of the supplies. In addition to some confusion over the total cost of supplies for Lot I, Pitney-Bowes did not make an entry for the cost of Training as was required. These problems were discussed with the City Attorney's office and it was concluded that it is not possible to determine what is the true bid from Pitney-Bowes. Inasmuch as there is confusion as to the intended bid from Pitney-Bowes, it is hereby recommended that the company's bid be rejected.

The amount budgeted for rental of copiers during Fiscal Year 1985 was \$1,666.00 per month. The combined total per month rental for the two copiers from A Copy is \$1,396.00/month.

Staff recommends that award be made to A COPY in the amount of \$8,610.00 for six months rental. It is also recommended that Mayor and Council approve the option to purchase both copiers for a total of \$21,995.14 subject to review of the performance of the equipment by the City at the end of six months and subject to the availability of funding.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid

No. 34-85 was awarded to A COPY in the amount of \$8,610.00 for six months rental

and approved the option to purchase both copiers as recommended by staff.

Re: Award of Contract:
Bid No. 40-85, #4285, #43-85, Vehicle
Replacement

As part of the City's vehicle replacement program, Bids No. 40-85, 42-85, and 43-85 were opened on November 29, 1984 at 3:00 p.m. The purpose of these bids is to provide vehicles for those units scheduled for replacement.

<u>Bid</u>	Type	Quantity	Proposals Requested
40-85	Sedans, Police	6	16
42-85	Dump Truck (35,000 GVW)	1	1.7
43-85	Refuse Truck	2	28

The tabulation of each bid is as follows with low bids shown first and progressing to the high bid:

Bid No. 40-85 - Sedans, Police (6)

Vendor	Base Bid	Total Bid
Sport Chevrolet Co., Inc. 3101 Automobile Boulevard		
Silver Spring, Maryland 20904	\$10,216.13	\$61,296.78
Key Chevrolet-Cadillac Inc. 114 Baughmans Lane		
Frederick, Maryland 21701	\$10,238.00	\$61,428.00
J.K.J. Chevrolet		
2000 Chain Bridge Road Vienna, Virginia	\$10,540.00	\$63,240.00
* * * * * * * * * * * * * * * * * * * *	710,5%0*00	>0.2,4.4.4.VV
Budgeted Amount \$69,000	\$11,500.00 each	
FY 85 Low Bid	\$10,216.13 each	
FY 83 Low Bid	\$ 8,380.00 each	
Percent Increase	+17.9%	

Bid No. 42-85 Dump Truck (35,000 GVW) 1

Vendor	Base Bid/Option	Total Bid
Sport Chevrolet Co., Inc. 3101 Automotive Boulevard Silver Spring, Maryland 20904	\$33,094.00	\$33,094.00
Central G.M.C. Inc. 3801 Ironwood Place Landover, Maryland	\$33,129.00	\$33,129.00
Key Chevrolet-Cadillac, Inc. 114 Baughmans Lane Frederick, Maryland 21701	\$33,195.00	\$3 3,195. 00
Jacobs Ford Truck Sales Inc. 8300 Ardwick-Ardmore Road Landover, Maryland 20785	\$34,838.53	\$34,838.53
Chesapeake Ford 8540 Pulaski Highway Baltimore, Maryland	\$34,853.00	\$34,853.00

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December 17, 1984

Dis	iti	ict	Int	11	Trucks	Inc.
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5000 Tuxedo Road Tuxedo, Maryland

Percent decrease

\$36,611.00

\$36,611.00

Budgeted Amount \$36,450.00 FY 85 Bid \$33,094.00 FY 84 Bid \$33,169.00

Bid No. 43-85 - Refuse Truck (2)

-0.2%

Vendor (Chassis Only)	Base	Bid	Total Bid
District Int'l. Trucks 5000 Tuxedo Road Tuxedo, Maryland	\$32,671	.00	\$65,342.00
Jacobs Ford Truck Sales Inc. 8300 Ardwick-Ardmore Road Landover, Maryland 20785	\$32,765	•O3	\$65,530.06
Chesapeake Ford 8540 Pulaski Highway Baltimore, Maryland 21237	\$33,000	•00	\$66,000.00
Vendor (Body Only)	Base	Bid	Total Bid
Waddle Truck Equip. Inc. 3607 O'Donnell Street Baltimore, Maryland 21224	\$13,024	.50	\$26,049.00
Ingold's Hico Inc. 442 North Franklin Street Bel Air, Maryland 21014	\$15,189	.00	\$30,378.00
Werner Fruehauf Trailer Co. Truck Equip. Div. 1411 Bush Street Baltimore, Maryland 21230	\$16,507	•00	\$33,014.00
Budgeted Amount (Combined) FY 85 FY 84 Percent Increase	\$48,500 \$45,695.50 \$44,080.00	\$97,000.00 \$91,391.00 \$88,160.00 +3.5%	

Staff recommends that these awards be made as follows:

- Bid No. 40-85 To Sport Chevrolet Co., Inc., in the amount of \$61,296.78 for replacement of six Police Sedans.
- Bid No. 42-85 to Sport Chevrolet Co., Inc., in the amount of \$33,094.00 for replacement of one Dump Truck (35,000 GVW)

- Bid No. 43-85 to District International Trucks in the amount of \$65,342.00 for replacement of two Refuse Trucks (Chassis Only) and to Waddle Truck Equipment Inc., in the amount of \$26,049.00 for replacement of two Refuse Trucks (Body Only).

On motion of Councilman Abrams, duly seconded and unanimously passed, Bids No. 40-85, 42-85 and 43-85 were awarded as recommended by staff.

Re: Award of Contract: Bid No.38-85, 18 Passenger Bus

On November 29, 1984, at 3:00 p.m., Bid No. 38-85 was opened for a replacement vehicle for #303 (18 Passenger Bus). There were eight proposals requested and one bid submitted.

The one bid submitted was from Patco Distributors Inc., in the amount of \$28,353.00. The budgeted amount was \$23,000.00. The staff feels that this is an excessive bid.

One of the reasons for only receiving one bid is that the industry standard width of 84" was included in the City's specifications and during this period, the standard was changed to 96". Rather than bid an alternative, the distributors did not bid at all.

Staff recommends that the low bid of \$28,353.00 from Patco Distributors

Inc., be rejected and staff prepare specifications for a re-bid.

On motion of Councilman Abrams, duly seconded and unanimously passed, the bid from Patco Distributors for Bid No. 38-85 was rejected and staff was instructed to prepare specifications for a re-bid.

Re: Approval of Minutes

On motion of Councilman Duncan, duly seconded and unanimously passed, the Minutes of Meeting No. 41-84, December 3, 1984, were approved as corrected.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all voting, Councilman Abrams abstaining, the Minutes of Meeting No. 42-84, December 4, 1984, were approved as written.

Re: Adjournment

There being no further business to come before the Council in General Session, the Meeting was adjourned at 12:45 a.m. to convene again in general session on Monday, January 7, 1985, at 8:00 p.m. or at the call of the Mayor.